

(Adopted by Town Council on March 20, 2007)

1.0 Purpose of Fire Hydrants

It is the policy of the Town of Jamestown that the opening or closing, damaging, tampering, connection to, or withdrawal of water from any publicly owned or privately owned fire hydrant connected to the Town of Jamestown water system is expressly prohibited, except in compliance with the terms of this Policy. Authorized withdrawal of water from any fire hydrant defined above is strictly limited to the following persons and purposes:

1.1 Fire fighting activities by personnel serving the Town of Jamestown and by personnel of Pincroft Sedgefield Fire Department or other fire departments registered with the Director of Public Services. The Pincroft Sedgefield Fire Department and assisting departments that provide fire protection services within a jurisdiction served by Town fire hydrants, or fire departments that provide mutual aid within any area served by Town fire hydrants, may register with the Director.

1.2 Fire fighting training activities and maintenance and testing of Fire Department apparatus and equipment by local colleges and fire departments registered with the Director.

1.3 Test operations to insure proper operation and establish the rate of the flow of water available from fire hydrants by personnel of the Fire Department, a registered Fire Department, or authorized personnel of the Town Public Services Department. These test operations may include the testing necessary to furnish data needed for fire insurance evaluations or engineering evaluations of the effectiveness of the water system.

1.4 Water flushing and collecting of water samples by authorized Town Public Services Department personnel for improving or determining the quality of water in the Town water system, or to minimize the possibility of impurities remaining in the water system from breaks, leaks, or repairs to the water system.

1.5 Water withdrawal from publicly owned fire hydrants by authorized Town personnel for street maintenance, street cleaning, dust control, landscaping of Town property, or cleaning of sanitary or storm sewer lines.

1.6 Water withdrawal through a Town of Jamestown approved hydrant meter water account (Account) using a Hydrant Meter Assembly (Assembly) issued by the Director, or his/her authorized agent, as defined in this Policy.

1.7 Other uses as expressly authorized in writing in advance by the Director.

2.0 Definitions

For the purpose of this Policy, the following terms are defined to have the meanings described as follows:

2.1 A “person” may include one or more of the following or their agents, employees, representatives, directors, officers, members, partners, managers, superintendents, or legal representatives: individuals, corporations, partnerships, joint ventures, associations, or other entities recognized by the laws of the State of North Carolina.

2.2 “Fee Schedule” shall refer to the latest version of the Schedule of Fees for a Water Account Using a Hydrant Meter Assembly as adopted by the Jamestown Town Council.

2.3 “Business day” shall refer to a single calendar day in which the Town of Jamestown is open to receive citizens for transactions and other utility customer services. Saturdays, Sundays, and legal holidays established by the Jamestown Town Council are excluded.

3.0 Enforcement of Policy

Any person who opens, closes, damages, tampers with, connects to, or withdraws water from a Town fire hydrant in a manner that does not fully comply with the provisions of this Policy shall be subject to one or more of the following enforcement actions, depending on the severity of the adverse consequences and the previous history of similar occurrences:

3.1 An assessment for the value of the water withdrawn from a fire hydrant based on the Town’s retail rates in effect at the time;

3.2 An assessment for the value of the Town’s cost of repair of damages to the water system, including damages to the Assembly;

3.3 An assessment for the value of court costs, attorney fees, or other administrative costs for claims consequential to acts prohibited by this Policy;

3.4 A civil penalty issued by the Director of up to one thousand (\$1,000.00) dollars per violation;

3.5 An immediate suspension of privileges and closure of any Account issued to the person in violation and demand to return the Assembly to the Town within five business days of receipt of notice;

3.6 Denial of a future application for an Account to use an Assembly to withdraw water from Town hydrants;

3.7 Discontinuation of service from any other active water account in the name of the person in continuing violation of this Policy;

3.8 Removal of a Town standard water service connection pipe from service to property owned by the person or persons committing acts in continuing violation of this Policy; and

3.9 Criminal penalties pursuant to North Carolina General Statutes §14-151.1 or §14-159.1.

4.0 Water Service Account Using a Hydrant Meter Assembly

A person may obtain an Account to use an Assembly from the Director, or his/her authorized agents, subject to the following conditions:

4.1 The person (Applicant) shall make application to the Town of Jamestown for an Account on a form designated by the Director at least five business days in advance of the date service is desired. The application may request information sufficient to determine if the Applicant has the ability to comply with the provisions of this Policy and other applicable federal, state, or local laws or regulations, to include the following:

4.1.1 Purpose or purposes of water use;

4.1.2 Period of time in which water is needed;

4.1.3 Estimated volume of water required per month, or estimated total volume required if period of time is less than one month;

4.1.4 Size of Assembly requested (must be a size provided by the Town, as defined in the Fee Schedule);

4.1.5 Make, model, color, and license plate identification for each mobile tanker truck that may be used to receive and transport water received under the requested Account;

4.1.6 Street address or name of subdivision if water use is for a single property or subdivision;

4.1.7 Name of person requesting service and accepting payment responsibility, and billing address; and

4.1.8 Other information applicable to the service application as determined by the Director.

4.2 The Applicant shall submit payment for the Application Fee and Deposit, as defined in the Fee Schedule, before the application is considered complete.

4.3 The circumstances under which an application for an Account may be considered for approval shall be limited as described below:

4.3.1 Withdrawal of water for construction work, to include masonry work, mortar mixing, landscaping, dust control, pressure washing, soil compaction, hydromulching, demolition, or other appropriate construction purposes at locations where it is not practical to use an existing or proposed permanent metered service connection. In cases where the construction work will result in a structure requiring a permanent water service connection, the Applicant may be denied an Account and requested to apply for the permanent water service connection for water use during construction.

4.3.2 Street maintenance or street cleaning by authorized personnel of the North Carolina Department of Transportation (NCDOT).

4.3.3 Contractors retained by the Town of Jamestown or NCDOT for the purposes of dust control, or the maintaining or cleaning of public streets, sanitary sewer lines, or storm sewer lines.

4.3.4 Businesses for the purpose of cleaning private streets or parking areas, where it is not practical to use a permanent service connection.

4.3.5 Special events, such as street fairs or carnivals, markets, or other temporary events.

4.3.6 Filling of commercial swimming pools, or filling of residential swimming pools by a business engaged in the service of filling pools as a contracted service to residents. Residents proposing to fill a swimming pool for a single owner-occupied or lease-occupied dwelling must use the permanent residential service connection provided to that property.

4.3.7 Filling of tankers for delivery of drinking water shall be prohibited except by emergency relief agencies or their contractors, to supply water for basic public health and safety needs during an emergency. Under such circumstances, the agency assumes full responsibility for the appropriate cleanliness and disinfection of the tanker and all appurtenances.

4.4 An application for an Account may be disapproved by the Director, or his/her authorized agents, under any of the following circumstances:

4.4.1 Applicant is found to owe a delinquent debt to the Town of Jamestown, unless the applicant pays the debt in full, including all legitimate interest and delinquent charges, prior to approval of the application;

4.4.2 Applicant is found to have not obtained a current privilege license, as required, with the Town of Jamestown for the business or commercial purpose for which the application is made;

4.4.3 Applicant has provided false information on the application or the application is not complete; or

4.4.4 Other circumstances, as determined by the Director, where the approval of the application is not determined to be in the best interest of public health and safety.

4.5 If the application is accepted the Director, or his/her authorized agents, the Town will open an Account and the approved application will state the conditions by which the Applicant receiving approval (Customer) may withdraw water through a fire hydrant connected to the Town's water system.

These conditions may include the following:

4.5.1 An Assembly will be issued to the Customer. The Assembly will include a threaded connection to a Town fire hydrant, a water meter, a reduced pressure zone backflow preventer, and a hand valve. Ownership of the Assembly, including the water meter, will be retained at all times by the Town of Jamestown. The Town maintains a limited number of Assemblies based on anticipated customer requests on a first-come, first-serve basis and makes no obligation to furnish an Assembly anytime on demand.

4.5.3 The approved application will specify the specific fire hydrants the Customer is authorized to use.

4.5.4 The Customer may not disassemble or disconnect any parts of the Assembly. If a leak or failure of operation occurs, the entire Assembly should be returned to the Town.

4.5.5 The Customer shall abide by all provisions of this Policy and all conditions of the approved application.

4.5.6 The Customer shall call the Town of Jamestown billing department by the end of the last business day of each month and report the meter reading on the Assembly.

4.5.7 The Customer shall pay the monthly bill issued by the Town for the water metered through the Assembly, at rates established in the Town of Jamestown Water Rate Schedule and Sewer Rate Schedule, on or before the due date, and shall be responsible for any penalties and interest, as set forth by Town policy, if payment is late. Water Fixed Charges defined in the Water Rate Schedule are applicable to an Account but Sewer Fixed Charges do not apply. Water Commodity Charges are applicable, and Sewer Commodity Charges are applicable unless the Director, or his/her authorized agent, has determined as part of the approved application that all purposes defined by the Applicant for the use of water from the Account will not require present or future sewer use.

4.5.8 The Customer shall protect the Assembly against damage and immediately report to the Town any damages that occur and the cause of the damages, if known. The hydrant assembly valve must be closed when water is not withdrawn from the system.

4.5.9 The Customer shall permit the Town to inspect the Assembly at any time a reasonable request is made by the Town.

4.5.10 During periods of time of drought when water use for specified purposes may be restricted by the Town of Jamestown under water conservation declarations, the Customer shall not use the Assembly to withdraw water from the water system for those restricted purposes.

4.5.11 The Customer shall not use the Assembly at any time to convey any material other than treated water, and shall not use the Assembly to convey water from any location connected to the Town water system except the specific fire hydrants defined in the approved application.

4.5.12 The Customer shall return the Assembly to the Town at the location designated on the approved application at the time the Customer desires to close the Account, or by the date one year following the date of issuance of the Assembly currently used by the Customer. If the Customer returns an Assembly to the Town at the end of one year, in good condition, the Customer is in compliance with this Policy and the conditions of the approved application, and the Customer desires to continue to maintain the Account, the Customer will be issued another Assembly to use for the next one year period. This annual exchange of Assemblies permits the Town to ensure that the water meter and the backflow preventer on each Assembly in authorized use has been tested within a one-year period. Failure to exchange the Assembly each year, or the continued use of an Assembly after one year, are a violation of this Policy.

4.5.13 Within thirty days following the closing of an Account and the Customer's return of the issued Assembly to the Town, the Town shall inspect the Assembly for its physical and operating condition and make any repairs if the Assembly has been damaged. The Town shall return the Customer's Deposit, without the accrual of any interest, within this thirty day period, less any outstanding charges for metered water use, less the cost of any repair of damage to the Assembly, less any further charges to the Customer as authorized by this Policy. If the Deposit is not sufficient to cover all charges, the Deposit will be credited toward these charges and a final bill for the remaining balance will be issued to the Customer.

4.6 An Account may be terminated by written notice to the Customer upon a finding that the Customer has violated any condition of this Policy or the approved application. Upon receipt of notice, the Customer shall immediately cease all water use under the Account, surrender the Assembly to the Town, and comply with other provisions of this Policy for closing an Account.

5.0 Appeals

An Applicant may appeal a decision by the Director, or his/her authorized agent, to deny an Account, or a Customer may appeal a decision by the Director, or his/her authorized agent, to terminate an Account against the Customer's wishes or take enforcement actions against the Customer. The process for making an appeal, conducting a hearing, and the ruling on the appeal, will be as defined by the Town of Jamestown Policy for appeals.